

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

**Master File No. 1:00-1989
MDL 1358 (SAS)**

This Document Relates To:

The Honorable Shira A. Scheindlin

*Commonwealth of Puerto Rico, et al. v. Shell
Oil Co., et al.*, Case No. 07 Civ. 1-470 (SAS)

**DECLARATION OF BRYAN BARNHART IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO THE SHELL DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Bryan Barnhart, hereby declare:

1. I am an attorney duly admitted to practice law in the State of California and an associate with the firm of Miller & Axline, counsel of record for Plaintiff Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Environmental Quality Board (“EQB”) in this matter. I declare the following facts of my own personal knowledge – obtained through my service as Plaintiff’s counsel – and I could and would testify competently to the matters declared herein.

2. Attached as **Exhibit 1** are true and correct copies of excerpts of the following deposition transcripts: (a) **Angel Juan Olivera-Aleamar** (August 12, 2013); **Ian Charman**¹ (November 21, 2013); and (c) **Jonathan D. Watson, Vol. 2** (November 14, 2013).

3. Attached as **Exhibit 2** are true and correct copies of excerpts of the following deposition transcripts: (a) **Patrick M. Bloomer**, 30(b)(6) Representative for Shell Oil Company and Shell Trading (US) Company (November 14, 2013); (b) Deposition transcript of **Curtis Stanley** (May 6, 1999), and (c) **George Dominguez** (September 12, 2000); and (d) **Luis Pagan-Rodriguez**, Special Aide to the Secretary of the Department of Consumer Affairs (November 14, 2013).

4. Attached as **Exhibit 3** are true and correct copies of excerpts of the following deposition transcripts: (a) **Ivan Cintron-Vasquez** (September 27, 2013); (b) **David Lewis** (November 22, 2013); and (c) **Brenda Torano** (September 26, 2013).

¹The following exhibits are being filed under seal:

Ex. 1 (b) November 21, 2013 Deposition Trans. of Ian Charman.
Ex. 2 (a) November 13, 2013 Deposition Trans. of Patrick Bloomer.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 7th day of November, 2014, at Sacramento, California.



Bryan Barnhart

Exhibit 1

<p style="text-align: right;">1</p> <p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>IN RE: METHYL TERTIARY BUTYL * Master File ETHER ("MTBE") PRODUCTS No. 1:00-1898 LIABILITY LITIGATION *</p> <p style="text-align: right;">MDL 1358 (SAS)</p> <p>COMMONWEALTH OF PUERTO RICO, * M21-88 et al.,</p> <p style="text-align: center;">* Plaintiffs, * vs. * Defendants. *</p> <p>Case No. 07-CIV-10470 (SAS)</p> <p>The videotape deposition of: ANGEL JUAN OLIVERA-ALEMAR, Distribution Supervisor for Sol Puerto Rico Limited, and a Non-Party Witness herein, was held at the DEPARTMENT OF JUSTICE FOR THE COMMONWEALTH OF PUERTO RICO, Ninth Floor, Olimpo Street, San Juan, Puerto Rico 00907, on Tuesday, August 12, 2013, at 9:12 a.m.</p>	<p style="text-align: right;">3</p> <p>APPEARANCES (Continued) COUNSEL FOR CODEFENDANT SOL PUERTO RICO LIMITED McCONNELL VALDES, LLC 270 Munoz Rivera Avenue San Juan, Puerto Rico 00918 BY: JUAN A. MARQUES-DIAZ, ESQ., ALEJANDRO J. CEPEDA-DIAZ, ESQ., JORGE J. GARCIA-DIAZ, ESQ., and GERMAN A. NOVOA-RODRIGUEZ, ESQ. 787.759.9292 jam@mcvpr.com ajc@mcvpr.com jgg@mcvpr.com gnr@mcvpr.com</p> <p>COUNSEL FOR SHELL CODEFENDANTS</p> <p>SEDGWICK, LLP 2900 K Street NW Harbourside, Suite 500 Washington, DC 20007 BY: PETER C. CONDRON, ESQ. 202.204.3707 peter.condron@sedgwicklaw.com</p> <p>COUNSEL FOR CODEFENDANT CHEVRON PHILLIPS PUERTO RICO CHEMICAL CORE and CONOCOPHILLIPS COMPANY</p> <p>PIETRANTONI, MENDEZ & ALVAREZ, LLC Banco Popular Center, 19th Floor 208 Ponce de Leon Avenue San Juan, Puerto Rico 00918 BY: ISABEL C. FRAU-NICOLE, ESQ. 787.773.6000 ifrau@pmalaw.com</p> <p>COUNSEL FOR CODEFENDANT TOTAL PETROLEUM PUERTO RICO CORP. SEPULVADO & MALDONADO, PSC Citibank Tower, 19th Floor 252 Ponce de Leon Avenue San Juan, Puerto Rico 00918 BY: DELIRIS ORTIZ-TORRES, ESQ. 787.765.5656 dortiz@smlawpr.com</p>
<p style="text-align: right;">2</p> <p>APPEARANCES COUNSEL FOR THE PLAINTIFFS MILLER, AXLINE & SAWYER 1050 Fulton Avenue, Suite 100 Sacramento, California 95825 BY: TRACEY L. O'REILLY, ESQ. 916.488.6688 toreilly@toxicortorts.org</p> <p style="text-align: center;">- and -</p> <p>ORLANDO H. MARTINEZ-ECHEVARRIA, ESQ; Centro de Seguros Building, Suite 413 701 Ponce de Leon Avenue San Juan, Puerto Rico 00907 (Also acting as Notary Public) 787.722.2378 omartinez@martinezlaw.org</p> <p style="text-align: center;">- and -</p> <p>JACKSON, GILMOUR & DOBBS, PC. 3900 Essex Lane, Suite 700 Houston, Texas 77027 BY: VICTOR L. CARDENAS, JR., ESQ. 713.355.5007 vcardenas@jgdpc.com</p> <p style="text-align: center;">- and -</p> <p>LAW OFFICES OF JOHN K. DEMA 1236 Strand Street, Suite 103 Christiansted, St. Croix U.S. Virgin Islands 00820 BY: MICHAEL SHORT, ESQ. 340.773.6142 jdema@lojkd.com</p>	<p style="text-align: right;">4</p> <p>APPEARANCES (Continued) COUNSEL FOR CITGO CODEFENDANTS EIMER STAHL, LLP 224 S. Michigan Avenue, Suite 1100 Chicago, Illinois 60604 BY: LISA M. CIPRIANO, ESQ. (Appearing telephonically) 312.660.7619 lcipriano@eimerstahl.com</p> <p>COUNSEL FOR CODEFENDANT ESSO STANDARD OIL PUERTO RICO and EXXON MOBIL CORPORATION</p> <p>ARCHER & GREINER, PC One Centennial Square Haddonfield, New Jersey 08033 BY: MATTHEW CONLEY, ESQ. (Appearing telephonically) 856.795.2121 mconley@archerlaw.com</p> <p>COUNSEL FOR CODEFENDANT PC PUERTO RICO, LLC</p> <p>KING & SPALDING 1100 Louisiana, Suite 4000 Houston, Texas 77002 BY: JAMES J. MAHER, ESQ. 713.276.7403 jmaher@kslaw.com</p> <p>COUNSEL FOR CODEFENDANT LYONDELL CHEMICAL COMPANY BLANK ROME, LLP One Logan Square 130 North 18th Street Philadelphia, Pennsylvania 19103-6998 BY: ANGELA M. GUARINO, ESQ. (Appearing telephonically) 215.569.5638 Guarino-A@BlankRome.com</p>

<p style="text-align: right;">29</p> <p>1 not necessarily are service stations.</p> <p>2 Q. So industrial customers that may have</p> <p>3 their own tanks at there facility.</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 With respect to service stations, was it always</p> <p>7 branded Shell gasoline distributed at the rack?</p> <p>8 A. Yes, we always delivered to Shell service</p> <p>9 stations.</p> <p>10 Q. Did--</p> <p>11 A. In the time I worked.</p> <p>12 Q. In the time you worked at Catano.</p> <p>13 A. At Catano terminal.</p> <p>14 Q. Okay.</p> <p>15 At the time you worked at Catano, did Shell</p> <p>16 distribute unbranded gasoline through the rack?</p> <p>17 A. No, no. Only branded.</p> <p>18 Q. I guess I should ask this.</p> <p>19 How long did you work at the Catano terminal?</p> <p>20 A. For seven years.</p> <p>21 Q. So up to '85?</p> <p>22 A. From '85, mid summer '85, to mid summer</p> <p>23 '92.</p> <p>24 Q. So when you started in the-- so in the</p> <p>25 accounting department, where were you based when you</p>	<p style="text-align: right;">31</p> <p>1 you spend the money.</p> <p>2 Q. As an auditor, were you auditing only</p> <p>3 purchase and sale of gasoline, or did you audit all</p> <p>4 money that was spent by Shell Puerto Rico?</p> <p>5 A. Any type of expenditures and expenses.</p> <p>6 Q. Did you oversee expenditure and expenses</p> <p>7 for remediation, environmental cleanups?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 I was asking you earlier about distributions at</p> <p>11 the rack at Catano.</p> <p>12 Is it "Cantano" or "Catano"?</p> <p>13 A. "Catano."</p> <p>14 Q. "Catano."</p> <p>15 You said you had consumers. Did that include</p> <p>16 any public agencies? Did you have public agency</p> <p>17 customers at Catano?</p> <p>18 A. I think we have a few government agencies,</p> <p>19 but usually they're really small.</p> <p>20 Q. Okay.</p> <p>21 Do you remember which agencies?</p> <p>22 A. Some municipalities, but due to the</p> <p>23 difficulty of collecting from them, usually they are</p> <p>24 really small amount of that type of customers.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">30</p> <p>1 worked in the accounting department in '78?</p> <p>2 A. In the accounting department? I was in</p> <p>3 the central office.</p> <p>4 Q. Okay.</p> <p>5 And how long did you remain in the accounting</p> <p>6 department?</p> <p>7 A. For seven years, until--</p> <p>8 Q. Until you went to the Catano--</p> <p>9 A. The Catano terminal. Yes.</p> <p>10 Q. Okay.</p> <p>11 So you said for a while in the accounting</p> <p>12 department you worked on gasoline purchases.</p> <p>13 Did your responsibilities in the accounting</p> <p>14 department expand at any time, or did you always work</p> <p>15 on gasoline purchases?</p> <p>16 A. No, I worked for about six months in the</p> <p>17 accounts payable department and then I moved on to</p> <p>18 the-- to work as an internal auditor for the next six</p> <p>19 and a half years.</p> <p>20 Q. And what did you do as an internal</p> <p>21 auditor?</p> <p>22 A. Oh, we reviewed the processes, the</p> <p>23 procedures, to be sure that they are complied.</p> <p>24 Q. Review--I'm sorry--the processes?</p> <p>25 A. Yeah. How you pay, how you purchase, how</p>	<p style="text-align: right;">32</p> <p>1 How long-- in mid 1992, was Catano still one of</p> <p>2 the main distribution points for Shell for gasoline?</p> <p>3 A. In 1992, we-- more than 70 percent of the</p> <p>4 distribution in 1992 was still from Catano.</p> <p>5 Q. Did Catano receive gasoline via marine at</p> <p>6 any time when you were working there?</p> <p>7 A. Yes. By the time I went to Catano in '85,</p> <p>8 CORCO was not supplying any type of product, so almost</p> <p>9 all the product came from the sea, from dock.</p> <p>10 Q. And that was by barge?</p> <p>11 A. A few of them. Most of them on tankers.</p> <p>12 Q. What was the tankage at Catano that Shell</p> <p>13 had?</p> <p>14 A. "What was"?</p> <p>15 Q. What was the tankage.</p> <p>16 A. What do you mean by "the tankage"?</p> <p>17 Q. Volume.</p> <p>18 A. We have a lot of volume there, but I don't</p> <p>19 remember exact. I can't make some type of calculation,</p> <p>20 but the biggest tank we got was for regular gasoline.</p> <p>21 It has a capacity of four million gallons. That's 100</p> <p>22 barrels.</p> <p>23 Q. Wow.</p> <p>24 THE REPROTER: "That's a hundred"?</p> <p>25 THE DEPONENT: Thousand barrels.</p>

<p style="text-align: right;">41</p> <p>1 Q. Okay.</p> <p>2 So we know it was before 2006, right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 And what was your responsibility as a marketing</p> <p>6 analyst?</p> <p>7 A. We need to recollect all the statistic</p> <p>8 information in order to help the management make</p> <p>9 decisions. Marketing decisions, of course.</p> <p>10 Q. And when you say statistical information,</p> <p>11 is that about sales at the service stations?</p> <p>12 A. Sales of service stations, projections,</p> <p>13 expenses.</p> <p>14 Q. Did you have any involvement with the-- or</p> <p>15 oversee any tank improvements at service stations?</p> <p>16 A. Tank storage improvement at service</p> <p>17 stations?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. Were you aware of improvements in</p> <p>21 underground storage tanks at service stations, any</p> <p>22 project that Shell had for that?</p> <p>23 A. As a program, not.</p> <p>24 Q. So you weren't aware of any program</p> <p>25 implemented by Shell Puerto Rico to upgrade or change</p>	<p style="text-align: right;">43</p> <p>1 Q. And what about the health and safety</p> <p>2 advisor? Do you recall?</p> <p>3 A. It's more difficult, because we have about</p> <p>4 three or four. I don't know exactly which one was at</p> <p>5 which time.</p> <p>6 Q. Do you remember Yamina Rivera?</p> <p>7 A. "Yamira"?</p> <p>8 Q. Yamira Rivera.</p> <p>9 A. Rivera. She's working with us now in Sol,</p> <p>10 but she was not with us when we were Shell.</p> <p>11 Q. Okay.</p> <p>12 So it wouldn't have been her who was the health</p> <p>13 and safety and environmental advisor?</p> <p>14 A. No. No.</p> <p>15 Q. Okay.</p> <p>16 But you can't remember the name of the person.</p> <p>17 A. No.</p> <p>18 Q. If you do remember later today, just let</p> <p>19 me know and we'll have you put that on the record,</p> <p>20 okay?</p> <p>21 A. Okay.</p> <p>22 Q. Did you work with Mr. Marrero on the</p> <p>23 expenses for the upgrade program at the stations?</p> <p>24 A. No, because those are usually capital</p> <p>25 projects and you need approval outside Puerto Rico in</p>
<p style="text-align: right;">42</p> <p>1 the underground storage tanks at service stations.</p> <p>2 Is that correct?</p> <p>3 MR. CONDRON: Objection to form.</p> <p>4 THE DEPONENT: Yes, I know that-- I know</p> <p>5 that due to federal regulations Shell has to</p> <p>6 comply with them and have a program established</p> <p>7 for compliance.</p> <p>8 BY MS. O'REILLY:</p> <p>9 Q. Do you recall that program had to be</p> <p>10 completed in or around 1998?</p> <p>11 A. No.</p> <p>12 Q. Did you have any involvement in</p> <p>13 implementing the federal regulations at any of the</p> <p>14 Shell service stations?</p> <p>15 A. No.</p> <p>16 Q. Do you remember who in Shell was</p> <p>17 responsible for that program?</p> <p>18 A. The maintenance engineer and project</p> <p>19 engineer has the same-- do the same things, and the</p> <p>20 health and safety environmental advisor.</p> <p>21 Q. And at that time, do you remember who that</p> <p>22 person was?</p> <p>23 A. The engineer was Jose Marrero.</p> <p>24 Q. I'm sorry. Could you spell the last name.</p> <p>25 A. "Marrero." It's M-A-R-R-E-R-O.</p>	<p style="text-align: right;">44</p> <p>1 order to have the expenditures, and those are worked</p> <p>2 through the marketing and operations department.</p> <p>3 Q. Now, when you were-- you said you were</p> <p>4 collecting statistical information as a marketing</p> <p>5 analyst.</p> <p>6 Were you in the marketing and operations</p> <p>7 department, or were you in a different department?</p> <p>8 A. No, I was in the marketing department.</p> <p>9 Q. But you weren't directly involved in</p> <p>10 operations.</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 Who-- where outside of Puerto Rico, to your</p> <p>14 understanding, did they have to get permission to</p> <p>15 implement capital projects?</p> <p>16 A. When I started in Shell we need to-- all</p> <p>17 the Caribbean companies report to Venezuela, but then</p> <p>18 it was moved to Santo Domingo, then it was moved to</p> <p>19 Brazil, and that depends on the year.</p> <p>20 Q. And do you remember which Shell entity you</p> <p>21 reported to, the name of it?</p> <p>22 MR. MARQUES: Objection to form.</p> <p>23 MR. CONDRON: Object to form.</p> <p>24 THE DEPONENT: As-- in Puerto Rico, to</p> <p>25 Shell Puerto Rico.</p>

FILED UNDER SEAL

Jonathan D. Watson

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

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X

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

X

Commonwealth of Puerto Rico, et al.
v.
Shell Oil Co., et al.
Case No. 07-CIV-10470 (SAS)

X

— — —
Thursday, November 14th, 2013

Volume 2

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— — —
Videotaped Oral deposition of JONATHAN
D. WATSON AS 30(b)(6) REPRESENTATIVE FOR1,
CITGO INTERNATIONAL P.R.; CITGO PETROLEUM
CORPORATION; AND CITGO REFINING COMPANY, LP
held in the offices of Jackson, Gilmour &
Dobbs, 300 Essex Street, Suite 700, Houston,
Texas, commencing at 9:01 a.m., on the above
date, before Daniel J. Skur, Notary Public in
and for the State of Texas.

— — —
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Jonathan D. Watson

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<p>1 part of the conversation.</p> <p>2 Q. Okay. But you haven't had any</p> <p>3 conversations with Julio Bucci or Mr. Arbeloa</p> <p>4 to confirm that.</p> <p>5 A. I have not.</p> <p>6 Q. Do you have any reason to</p> <p>7 believe that, in fact, MTBE was not present</p> <p>8 in the gasoline being supplied to CITGO</p> <p>9 Puerto Rico by PDVSA in the early 2000s?</p> <p>10 A. I do not.</p> <p>11 Q. The next says, bullet says,</p> <p>12 discussed CILA perhaps using our lab</p> <p>13 facilities for testing.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if CILA, in fact,</p> <p>17 utilized the Core lab to test product coming</p> <p>18 into the facility?</p> <p>19 A. I don't know that CILA did. It</p> <p>20 appears that agents of CILA may have.</p> <p>21 Q. What do you mean by "agents"?</p> <p>22 A. An inspector that, when the</p> <p>23 vessels were off loaded, it appears the</p> <p>24 facility may have been used in some cases.</p>	<p>1 you're ready.</p> <p>2 (Witness reviews document.)</p> <p>3 A. Okay.</p> <p>4 BY MS. O'REILLY:</p> <p>5 Q. Okay. Can you tell me what</p> <p>6 this document is?</p> <p>7 A. Appears to be a buy/sell</p> <p>8 agreement between Texaco Aviation and CITGO</p> <p>9 International Puerto Rico for 200,000 barrels</p> <p>10 of 87 grade gasoline, regular unleaded</p> <p>11 gasoline.</p> <p>12 Q. And where was it delivered to?</p> <p>13 A. According to the document,</p> <p>14 delivered Ex-Ship Guayama, Puerto Rico.</p> <p>15 Q. Okay. Would this be --</p> <p>16 MR. ANDERSON: Objection,</p> <p>17 foundation.</p> <p>18 BY MS. O'REILLY:</p> <p>19 Q. Would this be a spot sale?</p> <p>20 MR. ANDERSON: Objection,</p> <p>21 foundation.</p> <p>22 A. I can -- I can't tell from the</p> <p>23 document, but it's -- it appears to be a</p> <p>24 one-time purchase, which I would describe as</p>
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<p>1 Q. Okay. Did you ever meet,</p> <p>2 yourself, with people from Core?</p> <p>3 A. I think I met them more as just</p> <p>4 a courtesy call. I don't recall any lengthy</p> <p>5 business interaction with them.</p> <p>6 Q. No substantive meetings?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Okay.</p> <p>9 (Whereupon, Watson Deposition</p> <p>10 Exhibit 26, November 21, 2001 Bucci</p> <p>11 Fax Regarding Terms and Conditions,</p> <p>12 Bates No. CITGO-PR 60429 through</p> <p>13 06431, was marked for identification.)</p> <p>14 BY MS. O'REILLY:</p> <p>15 Q. For the record, I've marked as</p> <p>16 Exhibit 26 a three-page document, appears to</p> <p>17 be a fax or a telex to Chevron Texaco</p> <p>18 Houston, appears to be from CITGO</p> <p>19 International Puerto Rico. Excuse me, other</p> <p>20 way around, Chevron Texaco Global Trading,</p> <p>21 division of Chevron U.S.A., to CITGO</p> <p>22 International Puerto Rico, Bates stamped</p> <p>23 CITGO PR 060429 through 060431, and it's</p> <p>24 dated November 21st, 2001. Let me know when</p>	<p>1 a spot purchase on -- by CITGO International</p> <p>2 Puerto Rico.</p> <p>3 BY MS. O'REILLY:</p> <p>4 Q. Do you have any reason to</p> <p>5 believe that CITGO International did not take</p> <p>6 delivery of the 200,000 barrels of unleaded</p> <p>7 regular gasoline?</p> <p>8 MS. HANE BUTT: Objection --</p> <p>9 MR. ANDERSON: Objection,</p> <p>10 foundation.</p> <p>11 A. I have no way of knowing</p> <p>12 whether this transaction was consummated or</p> <p>13 not.</p> <p>14 BY MS. O'REILLY:</p> <p>15 Q. Do you have any information to</p> <p>16 believe that this sale did not occur?</p> <p>17 MS. HANE BUTT: Same objection,</p> <p>18 lack of foundation.</p> <p>19 A. I don't know.</p> <p>20 BY MS. O'REILLY:</p> <p>21 Q. Was this one of the documents</p> <p>22 you reviewed in preparation for your</p> <p>23 deposition?</p> <p>24 A. I don't recall having seen this</p>

7 (Pages 307 to 310)

Jonathan D. Watson

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<p>1 I don't think.</p> <p>2 Q. Let me make sure I understand</p> <p>3 your answer. Did you ask any of the</p> <p>4 witnesses on your interview list if gasoline</p> <p>5 provided to CITGO, either from off-island or</p> <p>6 on-island sources, contained MTBE?</p> <p>7 A. Yes.</p> <p>8 Q. Who did you ask?</p> <p>9 A. Steve Fuller.</p> <p>10 Q. Anyone other than Steve Fuller?</p> <p>11 A. No.</p> <p>12 Q. And what did Mr. Fuller tell</p> <p>13 you about the presence of MTBE in gasoline</p> <p>14 supplied to CITGO either from on-island or</p> <p>15 off-island sources?</p> <p>16 A. He confirmed that we could</p> <p>17 identify shipments into Puerto Rico that did</p> <p>18 contain MTBE.</p> <p>19 Q. Beyond identifying individual</p> <p>20 shipments, did Mr. Fuller indicate to you if</p> <p>21 he knew whether or not gasoline supplied to</p> <p>22 Puerto Rico, for example, in the 1991 to 1994</p> <p>23 time period, whether those -- that gasoline</p> <p>24 contained MTBE?</p>	<p>1 product out of Yabucoa.</p> <p>2 Q. At any time during the time</p> <p>3 period that CITGO was selling gasoline in</p> <p>4 Puerto Rico, did CITGO have a policy</p> <p>5 concerning the presence of MTBE in its</p> <p>6 gasoline?</p> <p>7 MS. HANE BUTT: Ask and answered</p> <p>8 yesterday. Go ahead.</p> <p>9 A. Okay. We did not.</p> <p>10 BY MS. O'REILLY:</p> <p>11 Q. With respect to the 1991-1994</p> <p>12 time period, did you ask Mr. Clingan if he</p> <p>13 had any knowledge concerning the presence of</p> <p>14 MTBE in gasoline provided to CITGO by its</p> <p>15 suppliers?</p> <p>16 A. I did not ask the question of</p> <p>17 Bob Clingan.</p> <p>18 Q. Did you ask anyone whether or</p> <p>19 not MTBE was present in gasoline supplied to</p> <p>20 CITGO in the 1991 to 1994 time period?</p> <p>21 A. I inquired if anyone might have</p> <p>22 knowledge of that, and no one did.</p> <p>23 Q. Inquired of whom?</p> <p>24 A. Just -- I was -- inquired of</p>
Page 412	Page 414
<p>1 MS. HANE BUTT: Objection to</p> <p>2 form.</p> <p>3 A. I did not discuss 1990-'94 with</p> <p>4 Mr. Fuller, per my recollection.</p> <p>5 BY MS. O'REILLY:</p> <p>6 Q. In your conversation with</p> <p>7 Mr. Fuller, did he know beyond specific</p> <p>8 documents identifying the presence of MTBE,</p> <p>9 did he know whether or not MTBE was regularly</p> <p>10 present in gasoline that CITGO received from</p> <p>11 either Hovensa, PDV or Shell Yabucoa?</p> <p>12 MS. HANE BUTT: Objection to the</p> <p>13 form and the compound form of the</p> <p>14 question.</p> <p>15 A. Yes. He indicated that it was</p> <p>16 common for MTBE to be in the gasoline from</p> <p>17 PDVSA.</p> <p>18 BY MS. O'REILLY:</p> <p>19 Q. And what about Hovensa?</p> <p>20 A. His indication was that it was</p> <p>21 not typically in product from Hovensa.</p> <p>22 Q. And what about Shell Yabucoa?</p> <p>23 A. I don't recall him having any</p> <p>24 knowledge of the product specifications for</p>	<p>1 Steve Fuller if there might be someone still</p> <p>2 present in the organization who might have</p> <p>3 knowledge, and he indicated he did not think</p> <p>4 so.</p> <p>5 Q. Did you look for any documents</p> <p>6 which indicated to you whether or not MTBE</p> <p>7 was present in 1991, 1994 time period?</p> <p>8 A. No.</p> <p>9 Q. And designated issue number 20,</p> <p>10 any product codes and/or product descriptions</p> <p>11 which identify gasoline products containing</p> <p>12 MTBE, TBA ethanol, and/or any other</p> <p>13 oxygenates delivered to and/or marketed to or</p> <p>14 within the Commonwealth of Puerto Rico.</p> <p>15 What did you do to prepare?</p> <p>16 A. Again, I reviewed the documents</p> <p>17 that were provided by our sources.</p> <p>18 Q. Did you identify any product</p> <p>19 codes that indicated the presence of MTBE or</p> <p>20 any other oxygenates?</p> <p>21 A. We identified product codes,</p> <p>22 but I don't think the product codes</p> <p>23 themselves would indicate that they would</p> <p>24 necessarily not have oxygenates in them.</p>

33 (Pages 411 to 414)

Exhibit 2

FILED UNDER SEAL

Page 1

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

--o0o--

SOUTH TAHOE PUBLIC UTILITY)
DISTRICT,)

)
Plaintiff,)

vs) No. 999128

) VOLUME I
ATLANTIC RICHFIELD COMPANY)
("ARCO"); ARCO CHEMICAL COMPANY;))
SHELL OIL COMPANY; CHEVRON)
U.S.A., INC.; EXXON CORPORATION;))
B.P. AMERICA, INC.; TOSCO)
CORPORATION; ULTRAMAR, INC.;)
BEACON OIL CO.; USA GASOLINE)
CORPORATION; SHELL OIL PRODUCTS)
CO.; TERRIBLE HERBST, INC.;)
ROTTEN ROBBIE; J.E. TVETEN)
CORP.; TAHOE TOM'S GAS STATION;)
THE SOUTHLAND CORP.; PARADISE)
CHEVRON; and DOES 1 through 600,))
inclusive,)

)
Defendants.)

--o0o--

THURSDAY, MAY 6, 1999
10:03 A.M.

--o0o--

DEPOSITION OF
CURTIS STANLEY

--o0o--

CATHLEEN SLOCUM, CSR
License No. 2822

Page 14

Q And did you determine during that investigation that
there were complaints about the taste and odor of water from
that well that was operated by the municipality involved?

A Yes.

Q Who were the taste, who was making the taste and odor
complaints?

A I was told that some people which were served by that
utility had made those complaints.

Q And did you determine what concentration of MTBE was
present in their drinking water in some way?

A I, I believe we did. I don't recall specifically what
those concentrations were in their drinking water.

Q Are we talking about parts per billion?

A Yes.

Q So is it fair to say that by 1981 Shell Oil Company
knew that MTBE and its gasoline could contaminate public
drinking water supplies?

A Yes.

Q And is it also fair to say that they knew by that time
that it created taste and odor problems in public drinking
water supplies?

A Yes.

Q And did you report those facts to Shell management?

A Yes.

Q How did you do that?

Page 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

2

3 SOUTH TAHOE PUBLIC UTILITY : NO. 999128
DISTRICT; :
Plaintiff, :
4 vs. :
5 ATLANTIC RICHFIELD COMPANY :
6 ("ARCO"); ARCO CHEMICAL :
COMPANY; SHELL OIL COMPANY; :
7 et al., :
Defendants. :
8 -----
9 COMMUNITIES FOR A BETTER : NO. 997013
ENVIRONMENT, a California :
Non-Profit Corporation, on :
10 behalf of the General Public, :
Plaintiff, :
11 vs. :
12 UNOCAL CORPORATION, a :
13 Delaware corporation, et al., :
Defendant. :
14 -----
15 September 12, 2000
16 -----
17 Videotape deposition of
18 GEORGE DOMINGUEZ, held at the Centennial
Inn, 5 Spring Lane, Farmington,
19 Connecticut 06032 commencing at 9:33
a.m., on the above date, before Margaret
20 Peoples, a Federally Approved Certified
Professional Reporter and Notary Public
21 of the Commonwealth of Pennsylvania.
22 -----
23 ESQUIRE DEPOSITION SERVICES
15th Floor
1880 John F. Kennedy Boulevard
24 Philadelphia, Pennsylvania 19103
(215) 988-9191

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1 by the committee, that is the MTBE
2 testing task force
3 representatives. And then, I
4 believe, it was finalized by
5 counsel
6 BY MR. SUMMY:
7 Q. By legal counsel?
8 A. Yes.
9 Q. Now, when you say it was
10 prepared by the MTBE Committee, how would
11 that have occurred?
12 A. They would have had a
13 meeting and reviewed the various
14 documents referred to in the appendices
15 and drafted a summary conclusion
16 predicated on that review.
17 Q. Now, this particular
18 document was intended to answer the -- or
19 respond to the concerns that were brought
20 out by the EPA in the December 16th focus
21 meeting related to MTBE ground water
22 contamination; correct?
23 A. In part. Yes.
24 Q. And is it your recollection

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1 that the members of the MTBE Committee
2 had the opportunity to review this
3 document and make any changes they saw
4 fit prior to it being sent to the EPA?
5 A. That is my recollection.
6 Q. Did you draft any portions
7 of the comments?
8 A. I certainly drafted, as I
9 recall, the cover letter, but I don't
10 recall drafting the comments per se. No.
11 Q. Now, if you look at the
12 comments, I believe, Section II is
13 entitled Occupational and Environmental
14 Exposure.
15 MR. THALER: Which page are
16 you looking at, Scott?
17 MR. SUMMY: I was looking at
18 page 1 of the document, of the
19 comments.
20 MR. THALER: The
21 introduction page?
22 MR. SUMMY: Yes. The
23 introduction page under the
24 Organization of The Statement.

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1 group that you represented?
2 A. I'm not sure I understand
3 that question.
4 Consistent with the thinking
5 of the group?
6 Q. Was it -- when you presented
7 these documents to the EPA, you indicated
8 that the committee jointly drafted some
9 of these documents; is that correct?
10 A. Yes.
11 Q. Was it a consensus process
12 in developing these documents, is that
13 your understanding?
14 A. Yes. Except that the
15 supporting documents were appended and
16 submitted.
17 Q. Do you recall any occasions
18 where any member of the committee
19 objected to the content of a document
20 being submitted to the EPA concerning
21 MTBE?
22 A. No. I do not.
23 Q. So, as best you can recall,
24 the industry was of one mind, at least

Page 154

1 A. Yes.
 2 Q. And certainly several of
 3 them did attend and participate?
 4 A. Yes.
 5 Q. And did you circulate the
 6 documents sent to the EPA among committee
 7 members?
 8 Was that the practice?
 9 MR. THALER: At what time?
 10 Circulated at what time?
 11 You mean prior to submission
 12 or after submission to EPA, Duane?
 13 MR. MILLER: We'll take it
 14 one step at a time.
 15 BY MR. MILLER:
 16 Q. Was it your practice to
 17 circulate a copy of the document that was
 18 being considered for submission to the
 19 EPA before it was submitted to that group
 20 to get any comments, corrections, or
 21 additions from committee members that
 22 were interested in participating?
 23 A. Yes.
 24 Q. Was it also your practice to

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1 circulate the final document that was
 2 sent to the EPA in to each of those
 3 members?
 4 A. Yes.
 5 Q. And do you recall any
 6 occasions where someone who failed to
 7 attend a meeting received a final version
 8 of a document and said we need to submit
 9 a correction?
 10 A. No. I have no recollection
 11 of that occurring.
 12 Q. All right. And at the time
 13 these documents were prepared, is it fair
 14 to say Exxon was the committee, sir?
 15 A. Yes.
 16 Q. ARCO?
 17 A. Yes.
 18 Q. Texaco?
 19 A. Yes.
 20 Q. Shell?
 21 A. Yes.
 22 Q. And do you recall any of
 23 them objecting to the reports that were
 24 submitted to the EPA, any of the four

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1 companies I just mentioned?
 2 A. No.
 3 Q. Now, if we return to an
 4 exhibit that we marked before.
 5 MR. THALER: Which number?
 6 MR. MILLER: I'm about to
 7 provide it to the witness.
 8 We'll go off the video
 9 record for just a moment.
 10 VIDEOGRAPHER: 1:34, off the
 11 record.
 12 - - -
 13 (Whereupon, a recess was
 14 taken.)
 15 - - -
 16 VIDEOGRAPHER: 1:34, on the
 17 record.
 18 BY MR. MILLER:
 19 Q. Do you have Exhibit 12
 20 before you?
 21 A. Yes.
 22 Q. And just so the record is
 23 clear, this is a submission to the EPA
 24 with a cover letter signed by

Luis Pagan-Rodriguez

Page 1

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - -

IN RE: METHYL TERTIARY BUTYL : MASTER FILE NO.
ETHER ("MTBE") PRODUCTS : 1:00-1898
LIABILITY LITIGATION : MDL 1358 (SAS):
: No. M21-88

This Document Relates to: :
:
Commonwealth of Puerto :
Rico, et al. : Case No.
v. : 07-CIV-10470 (SAS)
Shell Oil Co., et al. :

- - -

The Videotaped 30(b)(6) deposition of:

LUIS PAGÁN-RODRÍGUEZ,
special aide to the Secretary of the Department of
Consumer Affairs of Puerto Rico was held at
O'Neill & Borges, 250 Muñoz Rivera Avenue, Suite
800, San Juan, Puerto Rico, on Thursday, November
14, 2013, at 9:14 a.m.

Reported By: Derek L. Hoagland

California CSR No. 13445

Luis Pagan-Rodriguez

Page 58	Page 60
<p>1 the information supplied by companies that import 2 gasoline to Puerto Rico. Can we talk about that a 3 little more? 4 A Yes. 5 Q What information does DACO collect 6 regarding the gasoline that is imported to Puerto 7 Rico? 8 A There is a really long list in one of 9 the orders, and we have practically spoken about 10 all of them here, which includes the quarterly, 11 the half-yearly reports, the audited financial 12 statements, and when they receive the fuel, the 13 bill of lading. And well, what we spoke about. 14 Q When a supplier of gasoline brings 15 petroleum products to Puerto Rico, do they have to 16 supply information to DACO? 17 A Yes. 18 Q What do they have to give to DACO? 19 A They have to give us the bill of 20 lading. And together with the bill of lading, 21 they do some lab tests, which they supply us also. 22 Q And what does DACO do with the bill of 23 lading information? 24 A It corroborates the gasoline supplies</p>	<p>1 A That is true. 2 Q Can you explain that answer? 3 A Well, what we do regarding this 4 analysis, as I stated before, is we check that 5 they arrive within the stipulated time period that 6 is specified in the order. And -- well, 7 specifically we observe the order that the -- that 8 it should not include any MTBE, so then, 9 specifically, we do check that the results are 10 negative for MTBE. 11 <u>But I have to clarify that we are not</u> 12 <u>experts in environmental issues, so simply what we</u> 13 <u>do, that if the order says there can't be MTBE, we</u> 14 <u>check that there is none.</u> 15 Q And, specifically, you're checking 16 whether there is MTBE above the permitted amount, 17 right? 18 A Yes. 19 Q And I just want to clarify, is it your 20 understanding that MTBE is permitted to be in 21 gasoline in Puerto Rico at levels less 22 than 0.5 percent per volume? 23 A Yes, that is what the order you have 24 in your hands establishes.</p>
Page 59	Page 61
<p>1 that exist in the island and when it was that it 2 arrived. 3 Q What does DACO do with the gasoline 4 supply information on the island? 5 A Well, it's tabulated, and in the case 6 that there is a national emergency, then it can be 7 provided to the Department of Energy. 8 Q Okay. And what does DACO do with the 9 certificates of analysis? 10 A Well, the certificates of analysis -- 11 well, we have to -- very few people working with 12 us. I already told you that it's only two of us. 13 So what we verify is that the certificates of 14 analysis are updated. 15 Q Okay. Do either you or the other 16 person who review the certificates of analysis go 17 through all of the parameters that are tested for? 18 A Not necessarily. 19 Q Okay. Can you tell me what you do 20 look at and why you only look at those? I 21 apologize. It is not a clear question. 22 I think you testified that you don't 23 necessarily look at every parameter that's tested 24 for in the certificates of analysis; is that true?</p>	<p>1 Q Right, I want to make sure I got it 2 correct. Anything above 0.5 percent per volume 3 would not be in compliance; is that correct? 4 A That is correct. 5 Q What would DACO do if they discovered 6 gasoline that, according to the certificates of 7 analysis, contained MTBE above 0.5 percent by 8 volume? 9 A We have to notify the EQB and, well, 10 obviously, they would be fined. 11 Q Okay. In the time that you have been 12 with DACO in your position, in your current 13 position, have you ever discovered gasoline coming 14 into Puerto Rico above 0.5 percent per volume? 15 A No. 16 Q Okay. In the time that you have been 17 doing this job, have you seen MTBE present in 18 gasoline coming into Puerto Rico, but below 19 0.5 percent volume? 20 A The ones I have seen have zero. 21 Q Okay. And when certificates of 22 analysis are submitted to DACO by the suppliers of 23 gasoline, are -- is every certificate of analysis 24 checked by either you or Ms. Garcia?</p>

16 (Pages 58 to 61)

Exhibit 3

<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>IN RE: METHYL TERTIARY BUTYL * Master File ETHER ("MTBE") PRODUCTS No. 1:00-1898 LIABILITY LITIGATION * MDL 1358 (SAS) COMMONWEALTH OF PUERTO RICO, * M21-88 et al.,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>Defendants.</p> <p>Case No. 07-CIV-10470 (SAS)</p> <p>The videotaped deposition of: IVAN CINTRON-VAZQUEZ, former Shell Puerto Rico Limited (Sol Puerto Rico Limited) employee, and a non-party witness herein, was held at Haciendas de Belverde, 29 Colirubia Street, Cabo Rojo, Puerto Rico 00623, on Friday, September 27, 2013, at 9:24 a.m.</p>	<p>3</p> <p>APPEARANCES (Continued) COUNSEL FOR SHELL DEFENDANTS SEDGWICK, LLP 2900 K Street NW Harbourside, Suite 500 Washington, DC 20007 BY: RUBEN F. REYNA, ESQ. (Appearing telephonically) 202.204.1000 ruben.reyna@sedgwicklaw.com</p> <p>COUNSEL FOR CODEFENDANT IDEMITSU APOLLO CORPORATION</p> <p>BOWMAN and BROOKE, LLP 150 South Fifth Street, Suite 3000 Minneapolis, Minnesota 55402 BY: DUSTIN D. FOSSEY, ESQ. (Appearing telephonically) 612.656.4021 dustin.fossey@bowmanandbrooke.com</p> <p>VIDEOGRAPHER</p> <p>MR. NELSON D'FREITAS</p> <p>ALSO PRESENT</p> <p>MRS. CARMEN RIVERA Deponent's spouse</p>
<p>2</p> <p>APPEARANCES COUNSEL FOR PLAINTIFFS MILLER, AXLINE & SAWYER 1050 Fulton Avenue, Suite 100 Sacramento, California 95825 BY: TRACEY L. O'REILLY, ESQ. 916.488.6688 toreilly@toxic torts.org</p> <p>COUNSEL FOR CODEFENDANT SOL PUERTO RICO LIMITED</p> <p>McCONNELL VALDES, LLC 270 Munoz Rivera Avenue San Juan, Puerto Rico 00918 BY: JUAN A. MARQUES-DIAZ, ESQ. (Also acting as Notary Public) 787.759.9292 jain@mcvpr.com</p> <p>COUNSEL FOR CODEFENDANT CHEVRON PHILLIPS PUERTO RICO CHEMICAL CORE and CONOCOPHILLIPS COMPANY PIETRANTONI, MENDEZ & ALVAREZ, LLC Banco Popular Center, 19th Floor 208 Ponce de Leon Avenue San Juan, Puerto Rico 00918 BY: MARIA DOLORES TRELLES-HERNANDEZ, ESQ. (Appearing telephonically) 787.773.6000 mtrelles@pmlaw.com</p> <p>COUNSEL FOR CODEFENDANT TOTAL PETROLEUM PUERTO RICO CORP. SEPULVADO & MALDONADO, PSC Citibank Tower, 19th Floor 252 Ponce de Leon Avenue San Juan, Puerto Rico 00918 BY: DELIRIS ORTIZ-TORRES, ESQ. (Appearing telephonically) 787.765.5656 dortiz@smilawpr.com</p>	<p>4</p> <p>INDEX EXAMINATION PAGE</p> <p>IVAN CINTRON-VAZQUEZ By Ms. O'Reilly 10 By Ms. Trelles 61</p> <p>EXHIBITS REFERENCED/ NO. DESCRIPTION MARKED</p> <p>1 Notice of Deposition, six pages 25</p> <p>2 "Supply & Demand Map," one page 26</p> <p>3 Letter to The Shell Oil Company (Puerto Rico Limited), Attn.: Messrs. Ruben Vazquez and Ivan Cintron, from Alberto M. Sola, of 11/30/87, four pages 27</p> <p>4 Letter to The Shell Company (PR) LTD., Attn.: Mr. Ivan Cintron, from Alberto M. Sola, of 9/16/92, and "Fax Memo" to Pedro J. Corujo, from Ivan Cintron, of 9/29/92, a total of two pages 31</p> <p>5 "Ocean Bill of Lading" to The Shell Oil Company from Phillips Puerto Rico Core, Inc., of 12/3/87, one page 31</p> <p>6 Letter to Victor Reyes from Ivan Cintron of 1/26/94, two pages 32</p> <p>7 "Petroleum Products Purchase Contract" of 8/1/88, 11 pages 33</p> <p>8 Letter to Luis R. Martin from Ivan Cintron of 3/3/88, Bates stamped SOL 48620, one page 35</p> <p>9 Letter to Luis R. Martin from Ivan Cintron of 3/3/88, Bates, stamped SOL 48619, one page 35</p>

<p style="text-align: right;">53</p> <p>1 (Whereupon, the document is marked for 2 purposes of identification as Deposition 3 Exhibit No. 30.) 4 THE DEPONENT: Yeah, this is a spot 5 purchase from HESS Oil. 6 BY MS. O'REILLY: 7 Q. By Shell Puerto Rico? 8 A. By Shell Puerto Rico. 9 Q. And you received the product, yes? 10 A. Yes. 11 Q. Okay. 12 THE REPORTER: This would be 31. 13 (Whereupon, the document is marked for 14 purposes of identification as Deposition 15 Exhibit No. 31.) 16 BY MS. O'REILLY: 17 Q. Just a couple of more. 18 A. Yes, this is another spot purchase from 19 HESS Oil. 20 Q. To Shell? 21 A. To Shell Puerto Rico. 22 Q. And they received delivery of the 23 gasoline? 24 A. Yes. 25 THE REPORTER: This would be 32.</p>	<p style="text-align: right;">55</p> <p>1 A. Yes. 2 Q. And Shell received this gasoline? 3 A. Yes. 4 This is very funny. 5 Q. Why? 6 A. I tried to purchase gasoline from HESS Oil 7 for many years and they don't want to sell us to Shell 8 Puerto Rico. And suddenly in one day they give me a 9 call on the phone if I want gasoline. I got on the 10 phone and called the people in Houston and I told them 11 and they said, "No kidding?" I said, "They want to 12 sell us." And they also give us the transportation. 13 And I called HESS and I say, "Yes, we are 14 interested in buying from you." And they were so 15 interested in buying-- selling the gasoline to us, and 16 they sent the manager, the marine manager, in a plane, 17 in one of the company planes, to meet me in San Juan 18 the same day. 19 Q. Wow. 20 A. After that we did some purchases. But 21 that was incredible. Everybody was-- when I told them, 22 "No, it can't be done." 23 Q. And they suddenly wanted to sell to you. 24 Who did you call in Houston? 25 A. I don't remember the name now. I don't</p>
<p style="text-align: right;">54</p> <p>1 (Whereupon, the document is marked for 2 purposes of identification as Deposition 3 Exhibit No. 32.) 4 THE DEPONENT: Yes, this is another 5 purchase from Shell to HESS Oil and Shell 6 received the product. 7 BY MS. O'REILLY: 8 Q. HESS sold to Shell? 9 A. HESS sold to Shell. 10 Q. And Shell received the product? 11 A. Yes. 12 Q. Okay. The last one. 13 THE REPORTER: This would be 33. 14 (Whereupon, the document is marked for 15 purposes of identification as Deposition 16 Exhibit No. 33.) 17 MR. MARQUES: Counsel, do you know where 18 you got this document? It's not Bates stamped. 19 MS. O'REILLY: Yes, it is. 20 MR. MARQUES: Oh, it is? Oh, it's this 21 way. Okay. 22 THE DEPONENT: Yes, this is the same. 23 BY MS. O'REILLY: 24 Q. Is this a delivery of a tanker of-- tank 25 gasoline from Hovensa to Shell?</p>	<p style="text-align: right;">56</p> <p>1 remember the name. 2 Q. And why did you call Houston? Did you 3 need approval to buy from HESS? 4 A. No, because I have instructions that if 5 anything out of the area, to notify them immediately. 6 Q. Okay. 7 A. Because they have to inspect the tankers, 8 if the tanker is a suitable transport carrier they will 9 leave. The reason is why you're here. 10 THE REPORTER: (To the deponent) "The 11 reason is" what? 12 MS. O'REILLY: (To the reporter) Why I'm 13 here. 14 BY MS. O'REILLY: 15 Q. Lawyers. "Abogados." 16 A. After that we have about a year buying 17 from them gasoline every week and they had the tankers 18 also so you have no problem. 19 Q. So you could get big quantities from 20 gasoline-- from HESS instead of just lots of little 21 purchases, yes? "Yes"? 22 A. Yes. 23 Q. How often did you communicate with Houston 24 about supply issues in Puerto Rico? 25 A. Almost every week.</p>

<p style="text-align: right;">57</p> <p>1 Q. And did you report your inventory to them?</p> <p>2 A. No.</p> <p>3 Q. Did you just communicate to them who you</p> <p>4 were buying from? "Yes"?</p> <p>5 A. Yes.</p> <p>6 Q. Did they ever suggest to you someone that</p> <p>7 you should buy from?</p> <p>8 A. No.</p> <p>9 Q. <u>Did you ever receive gasoline from Houston</u></p> <p>10 <u>in Puerto Rico?</u></p> <p>11 A. <u>Yes.</u></p> <p>12 Q. <u>How often?</u></p> <p>13 A. <u>About every other month.</u></p> <p>14 Q. <u>Every other month it came from the</u></p> <p>15 <u>refinery in Houston?</u></p> <p>16 A. <u>Yeah. Not Houston. Down south.</u></p> <p>17 Q. <u>Louisiana?</u></p> <p>18 A. <u>Louisiana.</u></p> <p>19 Q. <u>Did it have MTBE in it?</u></p> <p>20 A. <u>I don't remember.</u></p> <p>21 Q. <u>Okay.</u></p> <p>22 <u>So every other month. For how long?</u></p> <p>23 A. <u>For about a year.</u></p> <p>24 Q. <u>For a year? It was tankers?</u></p> <p>25 A. <u>They were barges. The tanker converted</u></p>	<p style="text-align: right;">59</p> <p>1 A. Yes.</p> <p>2 Q. And they would suggest companies for you</p> <p>3 to buy from?</p> <p>4 A. Yeah, because that was the company policy,</p> <p>5 to buy from company sources. That's why we purchased</p> <p>6 everything through Traders in Curacao for many, many</p> <p>7 years.</p> <p>8 Q. Okay.</p> <p>9 Any other Shell refinery besides the one in</p> <p>10 Louisiana that you got gasoline from?</p> <p>11 A. No.</p> <p>12 Q. No? You don't remember?</p> <p>13 A. No, because the other business that we do</p> <p>14 was with the lubricants. That's another story.</p> <p>15 Q. Totally different. Yeah.</p> <p>16 Did you ever get gasoline from California?</p> <p>17 A. No. It's too far away.</p> <p>18 Q. Was there anything else-- you remember</p> <p>19 anything-- looking at these documents remind you of</p> <p>20 anything else about your suppliers that I haven't asked</p> <p>21 you today?</p> <p>22 A. No, not that I remember.</p> <p>23 Q. Okay.</p> <p>24 Well, I don't have anymore questions for you. I</p> <p>25 don't know if your counsel has any questions.</p>
<p style="text-align: right;">58</p> <p>1 <u>into barge.</u></p> <p>2 Q. How does that work?</p> <p>3 A. The tanker, they strip off the equipment</p> <p>4 and they instead of having a barge pulling the barge,</p> <p>5 it was a barge pushing the barge.</p> <p>6 Q. Oh. Okay.</p> <p>7 Did you ever go to Louisiana to see the</p> <p>8 refinery?</p> <p>9 A. Yes, but not on the-- in the oil. Other</p> <p>10 business.</p> <p>11 Q. Oh. Okay. Okay.</p> <p>12 So do you remember about what year you received</p> <p>13 shipments from Louisiana?</p> <p>14 A. Shipments were around '98.</p> <p>15 Q. And was this-- I think it's called NOLA or</p> <p>16 something like that, the Louisiana refinery?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay.</p> <p>19 Were there any other people that you bought</p> <p>20 gasoline from that we haven't covered this morning?</p> <p>21 A. Not that I know now. We have CAPECO, Sun</p> <p>22 Oil, Shell, Phillips. Mainly we buy from Shell</p> <p>23 companies and they were suggested by Shell Chemical.</p> <p>24 Q. And Shell Chemical was based in Houston,</p> <p>25 correct?</p>	<p style="text-align: right;">60</p> <p>1 MR. MARQUES: I don't have any questions.</p> <p>2 I just want to mark as an exhibit the medical</p> <p>3 certificate--</p> <p>4 MS. O'REILLY: Sure.</p> <p>5 MR. MARQUES: --for Mr. Cintron.</p> <p>6 You have copies of that.</p> <p>7 MS. O'REILLY: I don't have it with me.</p> <p>8 THE REPORTER: This would be 34.</p> <p>9 (Whereupon, the document is marked for</p> <p>10 purposes of identification as Deposition</p> <p>11 Exhibit No. 34.)</p> <p>12 MS. O'REILLY: Counsel on the phone, we're</p> <p>13 done here. Does any counsel on the phone have</p> <p>14 questions?</p> <p>15 MS. TRELLES: Hi. I have questions. This</p> <p>16 is Maria Trelles from-- representing Chevron</p> <p>17 Phillips Chemical Puerto Rico Core.</p> <p>18 If I could just have someone to place the</p> <p>19 phone near the deponent so I catch his answers</p> <p>20 clearly.</p> <p>21 MS. O'REILLY: Okay. We'll move it</p> <p>22 closer.</p> <p>23 MR. TRELLES: Okay. Thank you.</p> <p>24</p> <p>25</p>

David Lewis

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: METHYL TERTIARY BUTYL §
ETHER ("MTBE") PRODUCTS §
LIABILITY LITIGATION, § Master File No.
§ 1:00-1898
§ MDL 1358(SAS)
§ No. M21-88
§
This document relates to: §
§
COMMONWEALTH OF PUERTO RICO, §
et al., § Case No.
§ 07-civ-10470 (SAS)
§
Plaintiff, §
vs. §
§
SHELL OIL COMPANY, et al., §
§
Defendants. §

- - -
NOVEMBER 22, 2013
- - -

Videotaped deposition of DAVID LEWIS, held at
Sedgwick, LLC, Fitzwilliam House, 10 St. Mary Axe,
London, EC3A 8BF, England, commencing at
9:20 a.m. on the above date, before Joan L. Pitt,
Registered Merit Reporter, Certified Realtime
Reporter, and Florida Professional Reporter.

- - -
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David Lewis

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<p>1 doesn't give us a clear record. So will you try to give 2 a verbal answer? 3 A. I will. 4 Q. Okay. If at any time today you need a break, 5 let me know and we'll take a break. We usually try to 6 take a break about right around every hour or so to give 7 everybody a chance to stretch their legs, but if you 8 need a break in between that, just let me know and we 9 can take one. Okay? 10 A. Okay. 11 Q. I know we're going to be going back over some 12 events that occurred quite some time ago. If at the 13 time I ask you a question you can't remember something, 14 but you remember it later in the day, maybe a document I 15 show you refreshes your recollection, please let me know 16 and I will give you an opportunity to add your testimony 17 to the record. Okay? 18 A. Okay. Thank you. 19 Q. All right. Did you do anything to prepare for 20 your deposition today? 21 A. Yes. I reviewed documents relating to the case 22 and I had various discussions with my counsel. 23 Q. Okay. Did you talk to anyone other than your 24 counsel?</p>	<p>1 Q. In what region are you manager of? 2 A. It's a global team, so I have global 3 responsibilities. 4 Q. Okay. And just for the record, can you tell us 5 what HSSE stands for? 6 A. Health, safety, security, and environment. 7 Q. Okay. And do you recall -- you mentioned the 8 CCA, and just for the record, can you state what that 9 stands for? 10 A. Caribbean and Central America. 11 Q. And was it always called CCA when you were in 12 that group? 13 A. Yes. I think the official title was Shell CCA 14 Limited, I think, but we tended to refer to it as the 15 CCA cluster. It was a cluster organization. 16 Q. Okay. And how long were you involved with the 17 CCA cluster in HSSE? 18 A. I moved to Santo Domingo and took up my role as 19 the CCA HSSE manager in April 1999. I returned to 20 London at the end of January 2002, so that was the 21 period when I was the HSSE manager for CCA, but when I 22 returned to London, I then was appointed to be the HSSE 23 manager for the south zone. The cluster was part of the 24 south zone organization, so as the zonal HSSE manager, I</p>
Page 11	Page 13
<p>1 A. I spoke to a few colleagues, both present and 2 retired, who worked with me during the period I was in 3 the Caribbean. 4 Q. Who did you speak to? 5 A. I spoke to Ted Tomes, who was the distribution 6 manager during that period. I spoke with John Bullock, 7 who was my line manager at that period. I spoke with 8 George Varny, who succeeded me as the HSSE manager for 9 the CCA cluster. And obviously I've kept my line 10 management and functional management advised of the fact 11 that I've been deposed. 12 Q. Okay. Your current line manager? 13 A. My current line management, yeah. 14 Q. What's your current position? 15 A. I'm currently the manager of the HSSE 16 functional services team, and we call it an FDG, a 17 functional delivery group, for the downstream 18 businesses. 19 Q. And "downstream," downstream of refineries? 20 A. That includes everything in the supply chain, 21 from the refineries right the way through the supply 22 chain to the end user. So it would include the retail 23 sites, various commercial businesses, and distribution 24 activity, and so on.</p>	<p>1 <u>continued to be involved with CCA and the rest of the</u> 2 <u>zone for the next just over two years.</u> 3 Q. So approximately until 2004? 4 A. Yes. I moved, changed jobs, I think it was 5 April 2004. The south zone covered Latin America, 6 Central America, and all of Africa. 7 Q. And when you arrived at -- in Santo Domingo in 8 April of 1999, what was your prior position? What was 9 your position just prior to that? 10 A. I was the HSSE manager for the marketing 11 operations in Shell UK. 12 Q. Did that involve gasoline? 13 A. Yes. 14 Q. Was that retail stations? 15 A. I didn't have responsibility for the retail 16 business from an HSSE point of view. 17 Q. I'm sorry. You didn't? 18 A. I didn't. 19 Q. Okay. So marketing would be terminals? 20 Distribution? 21 A. It included the terminals, distribution. It 22 included the commercial businesses, which included 23 distributors. It included businesses such as LPG, 24 aviation, bitumen, those businesses. Excluded was the</p>

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<p style="text-align: right;">Page 14</p> <p>1 refinery activity and the retail activity. That wasn't</p> <p>2 part of my remit.</p> <p>3 <u>Q. Okay. When you were HSSE in the CCA, did you</u></p> <p>4 <u>have responsibility for retail stations? Was that part</u></p> <p>5 <u>of your remit?</u></p> <p>6 <u>A. Yes, in the sense that I was the HSSE manager</u></p> <p>7 <u>for the cluster, and as such I was responsible for</u></p> <p>8 <u>advising all of the businesses in the cluster in</u></p> <p>9 <u>relation to HSSE matters, which would have included</u></p> <p>10 <u>retail. I wasn't directly responsible for the retail</u></p> <p>11 <u>business.</u></p> <p>12 <u>Q. Okay. Do you recall who was the HSSE</u></p> <p>13 <u>individual in Puerto Rico who reported to you?</u></p> <p>14 <u>A. We had an environmental advisor called</u></p> <p>15 <u>Vanessa Rodriguez based in Puerto Rico. During my time</u></p> <p>16 <u>as the HSSE manager for CCA, her employment was</u></p> <p>17 <u>terminated and she was replaced by Brenda Torano, my</u></p> <p>18 <u>predecessor, and it wasn't an exact like-for-like</u></p> <p>19 <u>replacement, it was a gentleman named, if I recall</u></p> <p>20 <u>correctly, Raphael Jimenez, and he was based in Puerto</u></p> <p>21 <u>Rico, and he retired shortly after I was appointed.</u></p> <p>22 <u>There were various other people in Puerto Rico</u></p> <p>23 <u>who would have had some involvement in HSSE matters.</u></p> <p>24 <u>For example, in the retail business there was a retail</u></p>	<p style="text-align: right;">Page 16</p> <p>1 Shell was involved with?</p> <p>2 MR. WALLACE: Object to the form. Vague and</p> <p>3 ambiguous.</p> <p>4 Q. He's objecting to put an objection on the</p> <p>5 record so later, if we have a disagreement about whether</p> <p>6 your testimony comes into evidence, he has his</p> <p>7 objection, but you can answer unless he instructs you</p> <p>8 not to.</p> <p>9 A. From my recollection, it was one of the larger</p> <p>10 markets that we operated in across the -- across the</p> <p>11 cluster in terms of the size of the business, the number</p> <p>12 of sites.</p> <p>13 Q. Were you -- you indicated you left in January</p> <p>14 2002. Were you involved at all in the process by which</p> <p>15 Shell purchased the Yabucoa facility?</p> <p>16 A. No.</p> <p>17 Q. Were you -- when you were working for CCA, were</p> <p>18 you aware that Shell was in the process of purchasing</p> <p>19 the Yabucoa facility?</p> <p>20 A. Yes.</p> <p>21 Q. Was someone else from an HSSE perspective</p> <p>22 involved in that process?</p> <p>23 A. I don't know.</p> <p>24 Q. Did you ever visit the Yabucoa facility before</p>
<p style="text-align: right;">Page 15</p> <p>1 engineer, who, if I recall correctly, became more</p> <p>2 involved in HSSE. Carlos Rodriguez, I believe, his name</p> <p>3 was.</p> <p>4 <u>Q. Did -- was Ms. Torano working for Shell Puerto</u></p> <p>5 <u>Rico when -- before she replaced Ms. Rodriguez?</u></p> <p>6 <u>MR. WALLACE: Object to the form. You can</u></p> <p>7 <u>answer.</u></p> <p>8 <u>Q. If you recall,</u></p> <p>9 <u>A. As far as I recollect, she was appointed during</u></p> <p>10 <u>my tenure in the role, and she was initially working in</u></p> <p>11 <u>support of Vanessa Rodriguez, but she was employed by</u></p> <p>12 <u>Shell Puerto Rico.</u></p> <p>13 <u>Q. So when she became environmental advisor, who</u></p> <p>14 <u>was she employed by?</u></p> <p>15 <u>A. Shell Puerto Rico.</u></p> <p>16 <u>Q. Oh, still Shell Puerto Rico. Okay.</u></p> <p>17 <u>A. She was always employed by Shell Puerto Rico.</u></p> <p>18 <u>Q. Okay. And Ms. Rodriguez was also employed by</u></p> <p>19 <u>Shell Puerto Rico?</u></p> <p>20 <u>A. Correct.</u></p> <p>21 <u>Q. Okay.</u></p> <p>22 <u>A. That's my understanding.</u></p> <p>23 <u>Q. In the Caribbean area, which -- was Puerto Rico</u></p> <p>24 <u>fairly large in terms of the number of retail sites that</u></p>	<p style="text-align: right;">Page 17</p> <p>1 you left?</p> <p>2 A. No. No.</p> <p>3 Q. Was Yabucoa the only refinery, to your</p> <p>4 understanding, that Shell owned and operated or -- at</p> <p>5 that time period in the Caribbean area?</p> <p>6 A. No.</p> <p>7 Q. What other refinery did Shell operate, to your</p> <p>8 understanding?</p> <p>9 A. In the Caribbean area, they operated the</p> <p>10 Refidomsa refinery in Dominican Republic, which was a</p> <p>11 joint venture between Shell and the Dominican</p> <p>12 government.</p> <p>13 Q. And what was the name of the refinery? I</p> <p>14 apologize.</p> <p>15 A. Refidomsa.</p> <p>16 Q. Okay.</p> <p>17 A. Which was basically just outside Santo Domingo</p> <p>18 in the Dominican Republic.</p> <p>19 Q. Okay.</p> <p>20 A. That was the only other refinery which we</p> <p>21 operated in CCA.</p> <p>22 Q. Okay. Did you ever visit the Catano terminal?</p> <p>23 A. Yes.</p> <p>24 Q. Did you have responsibility for HSSE matters at</p>

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<p style="text-align: right;">Page 18</p> <p>1 the Catano terminal?</p> <p>2 MR. WALLACE: Object to the form. You can</p> <p>3 answer.</p> <p>4 A. I was responsible for -- I was the line manager</p> <p>5 for the HSSE team in -- across CCA, so we had a team of</p> <p>6 HSSE advisors who ultimately reported to me. So in the</p> <p>7 sense that a member of my team or members of the team</p> <p>8 would have been responsible for providing HSSE advice</p> <p>9 and support to Catano, as well as every other aspect of</p> <p>10 the operations and activities in Puerto Rico, I had,</p> <p>11 ultimately, responsibility, but it wasn't a direct</p> <p>12 responsibility in the sense of, you know, me personally.</p> <p>13 It was through my line.</p> <p>14 Q. Did you ever visit the facilities, the Peerless</p> <p>15 facilities?</p> <p>16 A. No.</p> <p>17 <u>Q. Did Ms. Rodriguez have responsibility both for</u></p> <p>18 <u>the distribution at the Catano terminal and the retail</u></p> <p>19 <u>stations in Puerto Rico?</u></p> <p>20 MR. WALLACE: I'll object insofar as the</p> <p>21 question calls for speculation, but you can answer</p> <p>22 if you know.</p> <p>23 <u>A. I do know in the sense that I think the use of</u></p> <p>24 <u>the word responsibility is incorrect.</u></p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes.</p> <p>2 Q. And you recall she was replaced with</p> <p>3 Ms. Torano. Do you recall approximately when that</p> <p>4 occurred?</p> <p>5 A. Approximately 2001. During 2001.</p> <p>6 Q. Okay. When you arrived in the CCA in Santo</p> <p>7 Domingo in April 1999, were you aware of MTBE?</p> <p>8 MR. WALLACE: Object to the form. Vague and</p> <p>9 ambiguous. Go ahead and answer to the extent you</p> <p>10 can understand the question.</p> <p>11 A. In April '99 when I arrived in my role in CCA,</p> <p>12 at that point, as far as I recall, I had not had any</p> <p>13 involvement in MTBE or any issues associated with MTBE.</p> <p>14 Q. After you arrived, at any point did you learn</p> <p>15 that MTBE was an issue in the CCA?</p> <p>16 MR. WALLACE: Object to the form.</p> <p>17 A. After I arrived, during the latter part of '99</p> <p>18 I was made aware of the MTBE issue from a global</p> <p>19 perspective and thereafter started the process to</p> <p>20 determine whether or not it was an issue in the very</p> <p>21 many markets that the CCA cluster covered, of which</p> <p>22 Puerto Rico was just one.</p> <p>23 Q. And when -- what were you made aware of in</p> <p>24 terms of MTBE being a global perspective?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay.</p> <p>2 A. <u>She didn't have responsibility as such, but as</u></p> <p>3 <u>the environmental advisor employed within the CCA</u></p> <p>4 <u>cluster based in Puerto Rico, she would have been</u></p> <p>5 <u>responsible for providing advice to all aspects of our</u></p> <p>6 <u>operations.</u></p> <p>7 Q. <u>Was she the one responsible, for example, if an</u></p> <p>8 <u>environmental investigation needed to be undertaken at a</u></p> <p>9 <u>retail station?</u></p> <p>10 MR. WALLACE: Object to the form.</p> <p>11 Q. <u>Was she the individual responsible for setting</u></p> <p>12 <u>that up and undertaking that?</u></p> <p>13 A. <u>She would have been the person that would have</u></p> <p>14 <u>worked with the retail business advising them on how to</u></p> <p>15 <u>approach such an activity. She was the local</u></p> <p>16 <u>environmental expert, so she would have given --</u></p> <p>17 <u>provided advice to the business, worked with the</u></p> <p>18 <u>business in terms of how that was done, which</u></p> <p>19 <u>contractors to use, what methodologies to use, and so</u></p> <p>20 <u>on. She wouldn't have actually done it herself, but she</u></p> <p>21 <u>would have provided that advice.</u></p> <p>22 Q. Okay. Do you recall, was Ms. Rodriguez there</p> <p>23 during the entire -- was she there when you arrived in</p> <p>24 CCA?</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I was made aware of the fact that particularly</p> <p>2 in the US that it had become a significant issue, I</p> <p>3 think particularly on the west coast, in California,</p> <p>4 that there had been a number of legal actions initiated</p> <p>5 against the oil industry and that there were a number of</p> <p>6 issues associated with the use of MTBE and the potential</p> <p>7 impact that it -- it may have in certain environments.</p> <p>8 Q. And did you -- once you became aware of the</p> <p>9 MTBE issue, did you go to any workshops or training</p> <p>10 sessions that were held to understand further MTBE?</p> <p>11 MR. WALLACE: Object to the form of the</p> <p>12 question.</p> <p>13 A. Not specifically to discuss just the MTBE issue</p> <p>14 or to be trained on MTBE. It's possible that I would</p> <p>15 have attended leadership team meetings. I frequently</p> <p>16 came back to London for leadership team meetings, and</p> <p>17 it's possible that MTBE may have been an issue on those</p> <p>18 agendas, but it would have been just in the sense of</p> <p>19 keeping us updated on the latest developments in terms</p> <p>20 of managing MTBE as an issue.</p> <p>21 Q. Were you aware at any time that there were</p> <p>22 committees or leadership teams that -- in the</p> <p>23 environmental section of Shell that were discussing MTBE</p> <p>24 specifically?</p>

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: METHYL TERTIARY BUTYL * Master File
ETHER ("MTBE") PRODUCTS No. 1:00-1898
LIABILITY LITIGATION *

MDL 1358 (SAS)
COMMONWEALTH OF PUERTO RICO, * M21-88
et al.,

Plaintiffs,

vs.

Defendants.

Case No. 07-CIV-10470 (SAS)

The videotaped deposition of:

BRENDA TORANO,
former Shell Puerto Rico Limited (Sol Puerto Rico
Limited) employee, current Puma Energy employee, and a
non-party witness herein, was held at the law offices
of O'NEILL & BORGES, LLC, American International Plaza
Suite 800, 250 Munoz Rivera Avenue, San Juan, Puerto
Rico 00918, on Thursday, September 26, 2013,
at 9:04 a.m.

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2	E-mail chain, last of which is to David Lewis, among others, from Arturo Ponciano, of 1/17/02, three pages	38
3	E-mail chain, last of which is to Huberto Diaz, among others, from Brenda Torano, of 2/4/02, four pages	52
4	E-mail chain, last of which is to Luis Fernandez from Brenda Torano, of 5/22/02, and a certified translation of portions of above exchange, a total of 12 pages	70
5	"The Shell Company (Puerto Rico) Limited Health, Safety, Security and Environment Management System (HSSE - MS)," 48 pages	87
6	E-mail chain, last of which is to Brenda Torano from Luis Fernandez, of 7/8/05, and a certified translation of portions of above exchange, a total of six pages	94
7	E-mail to Claudio Alzerreca from Michael Armstrong of 9/12/05, two pages	100

1 (Pages 1 to 4)

<p style="text-align: right;">17</p> <p>1 the work unit.</p> <p>2 Q. Okay.</p> <p>3 And how many service stations were you</p> <p>4 responsible for when you were with EQB working on USTs?</p> <p>5 A. We didn't have any-- as long as they were</p> <p>6 underground tanks, we didn't have any-- a number of</p> <p>7 stations assigned to each technical person or each</p> <p>8 engineer.</p> <p>9 Q. Were you assigned an area, like a</p> <p>10 geographical area, for service stations?</p> <p>11 A. No.</p> <p>12 Q. Were there other people doing your same</p> <p>13 job in the UST section of EQB?</p> <p>14 A. Yes.</p> <p>15 Q. How many people?</p> <p>16 A. If I remember correctly, because it was a</p> <p>17 long time ago, there could have been five or six people</p> <p>18 assigned to that area.</p> <p>19 Q. Okay.</p> <p>20 And you stayed in USTs for two and a half years</p> <p>21 at EQB, and then where did you go?</p> <p>22 A. After I was at EQB for that time, then I</p> <p>23 got an offer from Shell.</p> <p>24 Q. Do you recall what year it was that you</p> <p>25 started with Shell?</p>	<p style="text-align: right;">19</p> <p>1 security measures were met by the employees.</p> <p>2 Q. And when you were safety coordinator, did</p> <p>3 you have any contact with or interaction with service</p> <p>4 station operators?</p> <p>5 A. No.</p> <p>6 Q. So would it be fair to say that while you</p> <p>7 were safety coordinator you didn't have any involvement</p> <p>8 in the operation of the service stations?</p> <p>9 A. Not in the environmental part during that</p> <p>10 first year.</p> <p>11 Q. What about in the safety part? Did you</p> <p>12 give any safety classes to station operators?</p> <p>13 A. Not to operators, but to the sales</p> <p>14 representatives or to the company engineers.</p> <p>15 Q. What is a "company engineer"?</p> <p>16 A. A maintenance or construction engineer.</p> <p>17 Q. How long were you safety coordinator for?</p> <p>18 A. Approximately for one year.</p> <p>19 Q. And after that, then what was your next</p> <p>20 position with Shell?</p> <p>21 A. I was HSE, and that included the</p> <p>22 environmental part. It was health, safety and</p> <p>23 environmental.</p> <p>24 Q. And was that-- were there somebody</p> <p>25 responsible for the environmental portion of your job</p>
<p style="text-align: right;">18</p> <p>1 A. At the end of 2000.</p> <p>2 Q. When you went to work for Shell, were you</p> <p>3 aware of MTBE in gasoline?</p> <p>4 A. I had contact or some information that it</p> <p>5 was one of the components that gasoline could contain.</p> <p>6 Q. Do you recall where you got that</p> <p>7 information?</p> <p>8 A. Well, specifically not, but it could have</p> <p>9 been a document or it could have been information that</p> <p>10 I got in training, or just finding more information</p> <p>11 because I wanted to learn more about my job.</p> <p>12 Q. And when you started with Shell, did you</p> <p>13 get any training?</p> <p>14 A. Yes.</p> <p>15 Q. What kind of training?</p> <p>16 A. My first year with the company I was not</p> <p>17 in the environmental section because I started as a</p> <p>18 health and safety inspector first and not as an</p> <p>19 environmental engineer.</p> <p>20 Q. And what was your responsibility as a--</p> <p>21 health and safety coordinator? Is that right?</p> <p>22 A. "Si."</p> <p>23 Q. What was your responsibility?</p> <p>24 A. It was to secure OSHA compliance in the</p> <p>25 programs that the company had to make sure that their</p>	<p style="text-align: right;">20</p> <p>1 prior to you taking it over?</p> <p>2 A. Yes.</p> <p>3 Q. And who was that?</p> <p>4 A. If I remember correctly, it was Vanessa</p> <p>5 Rodriguez.</p> <p>6 Q. Did she leave the company, or did she move</p> <p>7 to a different position?</p> <p>8 A. If I remember correctly, she left the</p> <p>9 company.</p> <p>10 Q. Now, when you worked for Shell, did you</p> <p>11 work for Shell Puerto Rico?</p> <p>12 A. Correct. Shell Company Puerto Rico</p> <p>13 Limited.</p> <p>14 Q. Okay.</p> <p>15 Did you ever work for any other Shell entity</p> <p>16 during your time with Shell?</p> <p>17 A. No.</p> <p>18 Q. And as I understand it, you remained</p> <p>19 health and-- health-- HSE--we'll just call it</p> <p>20 "HSE"--from 2002 to about 2012.</p> <p>21 A. (In English) 2011.</p> <p>22 Q. November 2011?</p> <p>23 A. No. (In English) March of 2011.</p> <p>24 Q. Okay.</p> <p>25 And that's when you left Shell to work for-- or</p>

<p style="text-align: right;">25</p> <p>1 monitor leaks, was monitoring the wells on a monthly</p> <p>2 basis.</p> <p>3 Q. You're talking about the tank field wells?</p> <p>4 A. Correct.</p> <p>5 Q. Was it your understanding that those tank</p> <p>6 field wells were oftentimes dry?</p> <p>7 A. Yes.</p> <p>8 Q. So they monitor them only through vapor</p> <p>9 measurements, correct?</p> <p>10 A. They would monitor them for both. It</p> <p>11 depended on the case, whether it was-- how the well was</p> <p>12 or the station.</p> <p>13 Q. Monitor for both groundwater and vapor?</p> <p>14 A. Yes. If I remember correctly.</p> <p>15 Q. And did they also monitor for free</p> <p>16 product?</p> <p>17 A. Correct. That's the purpose also.</p> <p>18 Q. Did you ever recommend at any time when</p> <p>19 you were in HSE that they install an additional</p> <p>20 tank-monitoring system that did what the Veeder-Root</p> <p>21 did in monitoring interstitial space and other types of</p> <p>22 leak detection?</p> <p>23 A. No, I don't remember having recommended</p> <p>24 additional systems as part of the implementation.</p> <p>25 Q. Was the decision to utilize USTMAN instead</p>	<p style="text-align: right;">27</p> <p>1 country, or the general manager here in the country,</p> <p>2 and they reported directly then to England.</p> <p>3 Q. Who was your general manager while you</p> <p>4 were at Shell, or who were your general managers while</p> <p>5 you were at Shell, if you remember?</p> <p>6 A. Yeah. If I recall, it was Johnny Vazquez,</p> <p>7 and then, if I remember, it was Juan Carlos, and it was</p> <p>8 a transition process, but I don't remember his last</p> <p>9 name. And afterward with Sol it was Candido Rivera.</p> <p>10 Q. "Claudio"?</p> <p>11 THE INTERPRETER: "Candido."</p> <p>12 MS. O'REILLY: "Candido."</p> <p>13 BY MS. O'REILLY:</p> <p>14 Q. And did you ever go to England for</p> <p>15 training?</p> <p>16 A. No.</p> <p>17 Q. Did you ever have training outside of</p> <p>18 Puerto Rico with Shell?</p> <p>19 A. Yes, meetings or seminars that were given</p> <p>20 within the same organization.</p> <p>21 Q. And what to you is "the same</p> <p>22 organization"? What do you mean by that?</p> <p>23 A. We had meetings to inform about a work or</p> <p>24 implement programs with the engineers, the people who</p> <p>25 were in the cluster group, and it would have been a</p>
<p style="text-align: right;">26</p> <p>1 of Veeder-Root made before you joined Shell, do you</p> <p>2 recall?</p> <p>3 A. Yes. When I arrived at Shell the system</p> <p>4 was either already running or starting to run.</p> <p>5 Q. Did you ever talk to anyone about the</p> <p>6 USTMAN system and why they went with USTMAN instead of</p> <p>7 Veeder-Root?</p> <p>8 A. No, I don't recall.</p> <p>9 Q. Do you know who made the decision to do</p> <p>10 the USTMAN system?</p> <p>11 A. No.</p> <p>12 Q. <u>Did you communicate with people on a</u></p> <p>13 <u>regular basis in other Shell entities other than Shell</u></p> <p>14 <u>Puerto Rico as part of your job?</u></p> <p>15 A. <u>At the beginning I did not, but then and</u></p> <p>16 <u>the people that were in our area, in the Caribbean area</u></p> <p>17 <u>or Central America, and also in England, which was our</u></p> <p>18 <u>base.</u></p> <p>19 Q. <u>And why do say England was your base?</u></p> <p>20 A. <u>Because Shell Puerto Rico operated--</u></p> <p>21 <u>reported to England as part of their operating unit.</u></p> <p>22 Q. Do you remember to whom you reported in</p> <p>23 England?</p> <p>24 A. I didn't report directly over there. I</p> <p>25 reported directly to the sales manager here in the</p>	<p style="text-align: right;">28</p> <p>1 work group from this area, the Caribbean or Centra</p> <p>2 America.</p> <p>3 Q. Did you ever meet with or interact with</p> <p>4 people from Shell Oil Company in USA?</p> <p>5 A. No, we couldn't have communication with</p> <p>6 Shell USA.</p> <p>7 Q. Did Shell, any Shell entity, provide you</p> <p>8 with information about remediation at gasoline</p> <p>9 stations? Did they come and give you technical advice</p> <p>10 about how to proceed with remediations at stations?</p> <p>11 Did you get technical advice from anyone?</p> <p>12 MR. MARQUES: Objection. Compound.</p> <p>13 BY MS. O'REILLY:</p> <p>14 Q. You can answer, if you can.</p> <p>15 A. There wasn't a center group within the</p> <p>16 cluster that was dedicated to remediation, other than</p> <p>17 sharing information or maybe what consultants were</p> <p>18 doing in a certain area.</p> <p>19 Q. Did you work or did you ever see the</p> <p>20 consultants who were implementing the investigations</p> <p>21 and remediation at the Shell stations in Puerto Rico?</p> <p>22 A. Yes. The consultant would've worked with</p> <p>23 us, under me, to investigate the remediation or the</p> <p>24 removal of product.</p> <p>25 Q. And what consultants do you recall that</p>

<p style="text-align: right;">49</p> <p>1 Q. And when you say "process," what do you</p> <p>2 mean?</p> <p>3 A. I had to make sure that each product had</p> <p>4 its own MSDS and that it was in the binder and that it</p> <p>5 was communicated to the retail sales people so that</p> <p>6 they would have them.</p> <p>7 Q. And when you say "binder," is that a</p> <p>8 binder at the service station that the operator would</p> <p>9 keep with his manual and other documents for operating</p> <p>10 the station?</p> <p>11 A. Correct.</p> <p>12 Q. Did you have any input into what-- how the</p> <p>13 binders were put together, what went into them?</p> <p>14 A. It was a binder that was already put</p> <p>15 together in terms of what document and what information</p> <p>16 was included in it.</p> <p>17 Q. Did you have any input or drafting in the</p> <p>18 manuals about how to clean up a spill? Was that</p> <p>19 something that you drafted, or did that-- was that</p> <p>20 already in place when you came into Shell?</p> <p>21 A. It was already established and it was just</p> <p>22 a matter of reviewing it to see if anything had to be</p> <p>23 modified or changed.</p> <p>24 Q. Do you recall if you ever modified or</p> <p>25 changed the manuals that were provided to the service</p>	<p style="text-align: right;">51</p> <p>1 A. Neville.</p> <p>2 Q. Okay.</p> <p>3 Anyone else's name that you recognize?</p> <p>4 A. Carl Farley. Felino, he used to work in</p> <p>5 the Caribbean also. Carlos Rodriguez. Julian Rojas</p> <p>6 Q. All right.</p> <p>7 Did you have-- when you were HSE, did you have</p> <p>8 any responsibility for the distribution outlets, like</p> <p>9 terminals, like Catano, or anything like that? Did you</p> <p>10 have responsibility for those facilities?</p> <p>11 A. No, not directly.</p> <p>12 Q. Was there someone else who had</p> <p>13 environmental responsibility for those facilities?</p> <p>14 A. The terminal managers themselves, and</p> <p>15 sometimes if they need just to consultation, just to</p> <p>16 get something, they ask.</p> <p>17 Q. Okay.</p> <p>18 What about Yabucoa? Did you have any</p> <p>19 interaction with people at Yabucoa?</p> <p>20 A. (Through the interpreter) No, that was a</p> <p>21 different entity.</p> <p>22 Q. What entity, to your understanding, was</p> <p>23 responsible for Yabucoa?</p> <p>24 A. Shell Chemical Yabucoa.</p> <p>25 THE REPORTER: This would be Exhibit 3.</p>
<p style="text-align: right;">50</p> <p>1 station operators for instructions on how to handle</p> <p>2 spills during the time that you were with Shell?</p> <p>3 A. Specifically in which areas they were</p> <p>4 changed, I don't remember.</p> <p>5 Q. Okay.</p> <p>6 Who, to your understanding, had the primary</p> <p>7 responsibility for putting together the manuals and</p> <p>8 making sure that they got to the operators?</p> <p>9 A. It was the environmental area and the</p> <p>10 sales area together, because those were the people that</p> <p>11 had the daily contact with the retailer.</p> <p>12 Q. Okay.</p> <p>13 Going back to some of the names up here, do you</p> <p>14 recognize Alejandro Espinosa?</p> <p>15 A. I remember having heard the name, but no.</p> <p>16 Q. Okay.</p> <p>17 Is there anyone else on this, in the list of</p> <p>18 people here, that were sent the e-mail whose name you</p> <p>19 also recognize?</p> <p>20 A. (In English) Yeah. Yes.</p> <p>21 Q. Who's that?</p> <p>22 A. Well, basically, I recognize some of the</p> <p>23 people that used to work with Caribbean in different</p> <p>24 areas.</p> <p>25 Q. And can you point out a name for me.</p>	<p style="text-align: right;">52</p> <p>1 (Whereupon, the document is marked for</p> <p>2 purposes of identification as Deposition</p> <p>3 Exhibit No. 3.)</p> <p>4 BY MS. O'REILLY:</p> <p>5 Q. No, go ahead and take your time and review</p> <p>6 it.</p> <p>7 MS. O'REILLY: For the record, I've marked</p> <p>8 as Exhibit 3 a series of e-mails in and around</p> <p>9 February two-- February and January, 2002.</p> <p>10 They're Bates stamped SOL ESI 2-00009623 through</p> <p>11 626.</p> <p>12 BY MS. O'REILLY:</p> <p>13 Q. All right. I want to start-- let's start</p> <p>14 at the back, at the first e-mail, which I believe was</p> <p>15 sent by you, and it's dated November 19, 2001.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Now, this has got your name, Brenda</p> <p>19 Torano, Retail--</p> <p>20 A. (In English) Commercial.</p> <p>21 Q. --Commercial Environment Advisor, Shell</p> <p>22 Caribbean and Central America.</p> <p>23 Was that your cluster group, or is that the</p> <p>24 company you were with?</p> <p>25 A. It's the cluster group.</p>

<p style="text-align: right;">53</p> <p>1 Q. Okay.</p> <p>2 But you were employed by Shell Company Puerto</p> <p>3 Rico Limited, correct?</p> <p>4 A. (Through the interpreter) Correct.</p> <p>5 Q. Okay.</p> <p>6 And then this says "Don Johnny." Is that Juan</p> <p>7 Vazquez?</p> <p>8 A. Correct.</p> <p>9 Q. Okay.</p> <p>10 And he was your general manager at the time?</p> <p>11 A. Correct.</p> <p>12 Q. And the e-mail that you wrote to him says,</p> <p>13 "During the past week personnel from the Environmental</p> <p>14 Quality Board inform me (not an official communication)</p> <p>15 several amendments to the UST regulation are going to</p> <p>16 be proposed for the regulated community during</p> <p>17 November 28th, 2001, for comments at a public hearing</p> <p>18 30 days after around December 28th, 2001. Other</p> <p>19 amendments proposed are for the UIC plan underground</p> <p>20 injection control program that regulates the septic</p> <p>21 tanks in our S/S."</p> <p>22 Does "S/S" stand for "service station"?</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p> <p>25 Do you recall your conversation with the</p>	<p style="text-align: right;">55</p> <p>1 amended.</p> <p>2 Q. Okay.</p> <p>3 Was Sol-- prior to your e-mail, do you remember</p> <p>4 if Sol was, or Shell was, testing for MTBE at their</p> <p>5 stations at this time?</p> <p>6 A. At this date, no.</p> <p>7 Q. Okay.</p> <p>8 Do you know why they weren't sampling for MTBE?</p> <p>9 A. As I indicated previously, it wasn't part</p> <p>10 of the parameters that the agency asked us to sample.</p> <p>11 Q. Okay.</p> <p>12 And the next sentence says, "They are</p> <p>13 implementing several measures taken during this past</p> <p>14 year with the Esso's case in Barranquitas to be more</p> <p>15 strict on the regulated community."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. What were you referring to with</p> <p>19 Barranquitas?</p> <p>20 A. The description was a case in a service</p> <p>21 station where the agency fined Esso 78 or 79 million</p> <p>22 dollars. They were in a case and it was in progress.</p> <p>23 Q. Okay.</p> <p>24 And it says, "This is something to worry because</p> <p>25 this is going to make our cost to increase, in addition</p>
<p style="text-align: right;">54</p> <p>1 Environmental Quality Board about the proposed changes?</p> <p>2 A. No.</p> <p>3 Q. All right.</p> <p>4 It says, "The information I gather is that some</p> <p>5 of the amendments includes additional parameter to be</p> <p>6 sampled during tank closures and replacement like lead,</p> <p>7 MTBE and other."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Does this refresh your recollection that</p> <p>11 there was some interest in sampling for MTBE in or</p> <p>12 around 2002?</p> <p>13 MR. MARQUES: Objection. Vague.</p> <p>14 THE DEPONENT: What I remember for that</p> <p>15 time is that the requirements for underground</p> <p>16 tanks were from 1992, and what I remember is</p> <p>17 that the Environmental Quality Board was</p> <p>18 supposed to propose amendments to make changes</p> <p>19 to that, and as part of those amendments they</p> <p>20 were going to include criteria on MTBE and lead.</p> <p>21 BY MS. O'REILLY:</p> <p>22 Q. And did they update the regulations in or</p> <p>23 around 2001, 2002, to include MTBE, to your</p> <p>24 recollection?</p> <p>25 A. No. The regulation has still not been</p>	<p style="text-align: right;">56</p> <p>1 to new parameters to remediate in the future."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Why do you think that it was going to</p> <p>5 increase the cost?</p> <p>6 A. Well, if there are more parameters that we</p> <p>7 have to deal with in terms of cleaning, then it</p> <p>8 increases the cost of remediation.</p> <p>9 Q. Did you have any understanding as of this</p> <p>10 time whether MTBE was more expensive to remediate than</p> <p>11 the BTEX compounds?</p> <p>12 A. Not from experience, but in terms of</p> <p>13 reading documentation, documents in terms of the EPA,</p> <p>14 in cases where it explained that this had happened.</p> <p>15 Q. And was it your understanding, or did you</p> <p>16 learn at or around this time, that one of the reasons</p> <p>17 MTBE needed to be cleaned up was because it imparted a</p> <p>18 bad taste or odor to water?</p> <p>19 A. If I recall correctly, it was because it</p> <p>20 was part of the information that I had received. They</p> <p>21 didn't know yet whether it was a carcinogen or not, but</p> <p>22 I understood that from reading materials. Not by</p> <p>23 experience.</p> <p>24 Q. Well, do you understand anything about its</p> <p>25 smell or its taste when it was in water, that it didn't</p>

<p style="text-align: right;">89</p> <p>1 that time during that model is what is the risk and the</p> <p>2 actions that need to follow in order just to put either</p> <p>3 a remedial action plan or a plan just to implement it.</p> <p>4 But it's-- not only refer just to environmental or--</p> <p>5 issues. It's just to ranking in terms of the risk or</p> <p>6 if an incident happened what was the consequences in</p> <p>7 order just to place this one area. And that incident</p> <p>8 report or the development of that risk asks you to do</p> <p>9 something else regarding that.</p> <p>10 So it's just a figure that it was--I don't</p> <p>11 know--prepared based on the details of--I don't</p> <p>12 know--millions of records during the process of</p> <p>13 development in order to identify what is the risk and</p> <p>14 the conditions and what you need to do in order to, but</p> <p>15 it's just a figure.</p> <p>16 Q. Okay.</p> <p>17 And that was something-- who provided you that</p> <p>18 figure? Do you remember?</p> <p>19 A. <u>It's part of documents, of guidelines, of</u></p> <p>20 <u>yellow guides, or guides from Shell, that it was part</u></p> <p>21 <u>of the process, so...</u></p> <p>22 Q. <u>Okay.</u></p> <p>23 <u>You say "yellow guides"?</u></p> <p>24 A. <u>That's what they call it in Shell before.</u></p> <p>25 <u>It's just guidelines. It's yellow guides.</u></p>	<p style="text-align: right;">91</p> <p>1 <u>Shell London? Do you remember where those came from?</u></p> <p>2 A. <u>(In English) Not precisely, but I'm</u></p> <p>3 <u>assuming it's from Shell London.</u></p> <p>4 Q. <u>Okay.</u></p> <p>5 <u>Did anyone from Shell London ever come and meet</u></p> <p>6 <u>with you when you were working for Shell?</u></p> <p>7 A. <u>Not that I recall.</u></p> <p>8 Q. <u>Okay.</u></p> <p>9 <u>Do you know why Shell-- you said many of the</u></p> <p>10 <u>documents that had the Shell name on them Shell took</u></p> <p>11 <u>with them.</u></p> <p>12 <u>What do you mean by that?</u></p> <p>13 A. <u>That if they have the branded or the logo,</u></p> <p>14 <u>as part of I'm assuming the process of sales and</u></p> <p>15 <u>transferring to Sol, they took those documents or</u></p> <p>16 <u>destroyed documents. In terms of saying that it was</u></p> <p>17 <u>guides, it was not the property of Sol.</u></p> <p>18 Q. Okay.</p> <p>19 And did you hand those over to somebody? Did</p> <p>20 someone come collect them, or did you send them</p> <p>21 somewhere?</p> <p>22 A. <u>We identified it and just put it together.</u></p> <p>23 Q. Okay.</p> <p>24 And then did you hand it to somebody who then</p> <p>25 took care of it? I mean, physically, did you take</p>
<p style="text-align: right;">90</p> <p>1 Q. <u>Okay.</u></p> <p>2 A. <u>That's what we call it because everything</u></p> <p>3 <u>was yellow.</u></p> <p>4 Q. <u>I wonder why.</u></p> <p>5 <u>And so the yellow guides was specific for you to</u></p> <p>6 <u>utilize when doing your work for risk assessment.</u></p> <p>7 A. <u>Yellow guides is a library. It's a</u></p> <p>8 <u>library of documents that Shell have and if you have</u></p> <p>9 <u>anything to do, you go into there. It's just look now</u></p> <p>10 <u>going into the internet.</u></p> <p>11 Q. <u>Oh. Okay.</u></p> <p>12 <u>And the library, was that on electronic, like</u></p> <p>13 <u>you could access it through your computer?</u></p> <p>14 A. <u>(Through the interpreter) It was in paper</u></p> <p>15 <u>format and electronic.</u></p> <p>16 Q. <u>Where was the paper-- when you were at</u></p> <p>17 <u>Shell Puerto Rico, where was the paper copy kept? Did</u></p> <p>18 <u>you have a copy in your office?</u></p> <p>19 A. <u>There were some guidelines and files</u></p> <p>20 <u>there, yes, while we were at Shell. When we changed to</u></p> <p>21 <u>Sol, many of the documents that marked with Shell's</u></p> <p>22 <u>name, Shell took with them.</u></p> <p>23 Q. <u>Okay.</u></p> <p>24 <u>Now, the yellow guidelines, do you remember--</u></p> <p>25 <u>did that come from the cluster, or did it come from the</u></p>	<p style="text-align: right;">92</p> <p>1 your-- all your Shell things with the Shell logo on</p> <p>2 them and give them to somebody within the company, or</p> <p>3 did you send them somewhere?</p> <p>4 MR. MARQUES: Objection to the form.</p> <p>5 THE DEPONENT: No, we just organized them</p> <p>6 and left them in boxes.</p> <p>7 BY MS. O'REILLY:</p> <p>8 Q. Okay. And what happened to those boxes?</p> <p>9 A. <u>I don't know.</u></p> <p>10 Q. Did someone come pick up the boxes at some</p> <p>11 point?</p> <p>12 A. <u>No, I don't know.</u></p> <p>13 Q. Was there somebody at Shell Puerto Rico</p> <p>14 during the time of the transition who's responsible for</p> <p>15 those boxes?</p> <p>16 A. <u>I have no knowledge of that.</u></p> <p>17 Q. Were all the boxes in one room?</p> <p>18 A. <u>I really don't remember where they were.</u></p> <p>19 Q. Okay.</p> <p>20 Did you also, when you changed from Shell Puerto</p> <p>21 Rico to Sol, did your computer, materials that were</p> <p>22 stored on your computer, were those changed as well?</p> <p>23 MR. MARQUES: Objection. Vague.</p> <p>24 THE DEPONENT: (In English) Can you repeat</p> <p>25 the question.</p>

<p style="text-align: right;">141</p> <p>1 leakage rate that those tests cannot detect?</p> <p>2 MR. MARQUES: Objection. Calls for an</p> <p>3 opinion, speculative.</p> <p>4 THE DEPONENT: Based on my recollection,</p> <p>5 it's part even of the requirements, and in order</p> <p>6 to the agency to approve a certain method,</p> <p>7 usually present a leakage rate in order just to</p> <p>8 identify if it works or not.</p> <p>9 BY MS. O'REILLY:</p> <p>10 Q. Okay. Okay. So there's a threshold.</p> <p>11 Above that threshold, they can detect a leak. Below</p> <p>12 that threshold, they can't, they won't detect the leak.</p> <p>13 MR. MARQUES: Same objection.</p> <p>14 THE DEPONENT: Yes. Based on the</p> <p>15 results.</p> <p>16 BY MS. O'REILLY:</p> <p>17 Q. Okay. All right. We need to change</p> <p>18 tapes, so why don't we take a break.</p> <p>19 THE VIDEOGRAPHER: We're going off the</p> <p>20 record. The time is 2:25. Off the record.</p> <p>21 (Recess.)</p> <p>22 THE VIDEOGRAPHER: We're back on the</p> <p>23 record. The time is 2:34. Tape No. 5. On the</p> <p>24 record.</p> <p>25</p>	<p style="text-align: right;">143</p> <p>1 THE DEPONENT: I think yes, during the</p> <p>2 period.</p> <p>3 BY MS. O'REILLY:</p> <p>4 Q. Do you recall which consultants prepared</p> <p>5 those reports?</p> <p>6 A. As I mentioned before, we had several</p> <p>7 consultants, so it would be difficult for me to</p> <p>8 identify one of all sites.</p> <p>9 Q. Did you have a standard-- I know your</p> <p>10 consultants prepared them for individual sites. Did</p> <p>11 you have a generic or standard remediation plan that</p> <p>12 you provided to those consultants of elements that you</p> <p>13 wanted included in a remediation plan?</p> <p>14 A. No. That I remember, no.</p> <p>15 Q. Okay.</p> <p>16 THE REPORTER: This would be 15.</p> <p>17 (Whereupon, the document is marked for</p> <p>18 purposes of identification as Deposition</p> <p>19 Exhibit No. 15.)</p> <p>20 MS. O'REILLY: Okay. (To the reporter)</p> <p>21 Ready?</p> <p>22 For the record, I've marked as Exhibit</p> <p>23 15-- it's two parts. First is a document</p> <p>24 entitled "Shell CCA Project Proposal, 5 Year</p> <p>25 Puerto Rico Site Remediation Plan." Bates</p>
<p style="text-align: right;">142</p> <p>1 BY MS. O'REILLY:</p> <p>2 Q. Okay. I want to go-- we're still on</p> <p>3 Exhibit 14 and on the last page it says "Remediation of</p> <p>4 contaminated sites." And it says, "Evaluate,</p> <p>5 coordinate, contract and supervise remediation actions</p> <p>6 and projects at several Retail sites in a cost</p> <p>7 effective way."</p> <p>8 And then it says, "Prepare, revise and submit</p> <p>9 remediation programs and reports for the facilities to</p> <p>10 comply with the cleanup levels required by the</p> <p>11 environmental agencies in order to obtain a release of</p> <p>12 responsibility for the company."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Did you prepare any remediation programs</p> <p>16 for any of the Shell gasoline stations while you were</p> <p>17 with Shell or Sol?</p> <p>18 A. I requested and supervised consultants to</p> <p>19 prepare the remediation plans in order to submit it,</p> <p>20 including the plans.</p> <p>21 Q. Did any of the consultants that you worked</p> <p>22 with prepare remediation plans for gasoline station?</p> <p>23 A. I'm assuming yes, during the period.</p> <p>24 THE REPORTER: (To the deponent) I'm</p> <p>25 sorry. Could I get that answer again.</p>	<p style="text-align: right;">144</p> <p>1 stamped Sol ESI 2-00009555 through 557, and then</p> <p>2 a-- some summary pages Bates stamped SOL ESI</p> <p>3 2-00009576 through 9590.</p> <p>4 BY MS. O'REILLY:</p> <p>5 Q. When you're ready, let me know.</p> <p>6 Are you ready? Okay.</p> <p>7 A. Yes.</p> <p>8 Q. Do you recognize these documents?</p> <p>9 A. Yes.</p> <p>10 Q. And could you tell me what they are?</p> <p>11 A. It's like a plan or a proposal to present</p> <p>12 to management in order just to attack the sites that we</p> <p>13 identified that have any concerns or were in the LUST</p> <p>14 list sites at the EOB.</p> <p>15 Q. Okay.</p> <p>16 Did you prepare this remediation plan?</p> <p>17 A. I prepared the program. Yes.</p> <p>18 Q. Okay.</p> <p>19 Was the program-- was the program in place when</p> <p>20 you arrived at Shell?</p> <p>21 A. No. It was part of the process of me</p> <p>22 evaluating the sites and identify what sites weren't</p> <p>23 leaking in order just to try to get to a no further</p> <p>24 action.</p> <p>25 Q. Okay.</p>

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Commonwealth of Puerto Rico, et al. v. Shell Oil Co., et al., United States District Court,
Southern District of New York Case No. No. 07 Civ. 10470 (SAS)


I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein referred to, over the age of 18 years and not a party to this action. My business address is 1050 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

On the date below, I served the following document on all counsel in this action electronically through LexisNexis File & Serve:

**DECLARATION OF BRYAN BARNHART IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO THE SHELL DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on November 7, 2014, at Sacramento, California.


KATHY HERRON